IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 434 of 2004 (M/S)

Sri Naubat Singh Rana & others ….. Petitioners

Versus

Civil Judge (Senior Division),
Dehradun & others ….. Respondents

Mr. Alok Singh, learned counsel for the petitioners.
Mr. J.P. Joshi, learned Standing Counsel for respondent No. 1

Hon'ble P.C. Verma, A.C.J.

By means of this writ petition, the petitioners have prayed for a direction to the respondent No. 1 to dispose of the injunction application under Order 39 Rule 1 & 2 CPC along with the objections thereon at the earliest and also not to create any third party interest over the disputed property during the pendency of the suit.

Heard Mr. Alok Singh, learned counsel for the petitioners and Mr. J.P. Joshi, learned Standing counsel for the respondent No. 1.

Petitioners filed a civil suit being O.S. No. 203 of 2004 for specific performance of the contract as well as for permanent injunction against respondents No. 2 to 6. An application for ad-interim injunction has been filed in Suit No. 203 of 2004 by the petitioners for grant of ad-interim injunction against respondents No. 2 to 6, to which the objections were filed. Ex parte ad-interim injunction has not been granted to the petitioners and the application is pending with the respondent No. 1. Therefore, petitioners have filed this writ petition.

Considering the facts as narrated in the writ petition, I direct the Civil Judge (Senior Division), Dehradun to dispose of the application of the petitioners on the next date fixed. Till then, parties are restrained from alienating or changing the nature of the property.

Accordingly, the writ petition is disposed of finally. No order as to costs.

(P.C. Verma, A.C.J.)

Dt. 10.06.2004
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